

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

BRIAN JORDAN BARTELS

Magistrate No. 20-1204
UNDER SEAL

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT
AND FOR AN ARREST WARRANT

I, Matthew Dunleavy, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a criminal complaint and arrest warrant for Brian Jordan Bartels (hereinafter "BARTELS"), for violations of Title 18, United States Code, Sections 231(a)(3) (Obstruction of Law Enforcement During Civil Disorder) and 2 (aiding and abetting). Based on the facts set forth in this affidavit, there is probable cause to believe that, on or about May 30, 2020, violations of Sections 2 and 231(a)(3) were committed by Bartels.

2. I am a Special Agent with the Federal Bureau of Investigation (FBI), and have been so employed since 2018. As a Special Agent with the FBI, I am an "investigative or law enforcement officer" of the United States within the meaning of Title 18, United States Code, Section 2510(7); that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516. I am currently assigned to the Joint Terrorism Task Force ("JTTF") in the FBI's Pittsburgh Division. In this capacity, I am charged with investigating possible violations of federal criminal law. By virtue of my FBI employment, I perform and have performed a variety of investigative tasks, including functioning as a case agent on domestic terrorism investigations. I

have received training and have gained experience in the conduct of counterterrorism investigations, the execution of federal search warrants and seizures, and the identification and collection of computer-related evidence. Prior to becoming a Special Agent with the FBI, I was a Special Agent with the United States Secret Service for approximately 9 years.

PROBABLE CAUSE

3. Title 18, United States Code, Section 231(a)(3) provides in relevant part as follows:

Whoever commits or attempts to commit any action to obstruct, impede or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce....shall be fined under this title or imprisoned not more than 5 years, or both.

4. The term “civil disorder” is defined in Section 232(1) as “any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual.” The term “commerce” is defined in Section 232(2) to include commerce between any State and any place outside thereof.

5. On May 30, 2020, there was a planned march/protest in the downtown area of the City of Pittsburgh. The march/protest in Pittsburgh related to the death of George Floyd, whose death in Minneapolis several days earlier sparked protests and marches across the nation. Those protests and marches related to several concerns voiced by the marchers and protesters, including claims of excessive force and racism by police officers in connection with the death of Floyd. Many of the marchers and protesters in Pittsburgh on May 30, 2020 expressed those same concerns.

6. At least one hundred participants for the march/protest in downtown Pittsburgh on May 30, 2020 began to gather at approximately 2:30 pm on Centre Avenue above the PPG Arena. As they were gathering, the march/protest began to turn violent and into civil disorder. Your affiant has reviewed open source video footage from cellular phones, and from other sources, depicting the events described below in this paragraph. The videos of this area at approximately 2:30 pm show a white male (later identified as BARTELS), walking from within the crowd of protesters, wearing a black bandana and a black hooded sweatshirt, black pants and black boots. The male walks to the sidewalk near an unoccupied police vehicle and accesses a backpack that was on the sidewalk. He pulls out a can of red spray paint and proceeds to use it to place paint on the police vehicle. The male then kicks the police vehicle. He then throws an object at the police car, breaking a window. When a female from the crowd steps near BARTELS and pleads for him to stop, he responds with an obscene hand gesture. The white male thereafter jumps on the hood of the police vehicle and stomps the partially broken windshield, breaking it further. While BARTELS is on top of the police vehicle, at least one other member of the crowd is standing on top of the roof with BARTELS, apparently celebrating. He then jumps down from the police vehicle, retrieves additional items to throw at the police vehicle and throws those items at the police vehicle. After Bartels damages the police vehicle, several other individuals are captured in photographs and video damaging the vehicle further. Shortly thereafter, police mounted on horseback arrive and attempt to protect the vehicle and push the crowd back. However, the crowd is hostile toward the mounted police and begins to throw rocks and other objects at the police and horses. One male in the crowd, who is holding a post with a STOP sign attached to it, pokes the STOP sign toward the face of one of the officers' horses. When it becomes apparent that the horses are unable to protect the heavily damaged vehicle, and are themselves in danger, the police officers

are forced to retreat on horseback and abandon the police vehicle. Immediately thereafter, the crowd inflicts more severe damage to the police vehicle, and then sets it on fire. I have attached to this affidavit four still photos obtained from videos of these events, marked as Exhibits 1-10.

7. The Pittsburgh Bureau of Police vehicle damaged by BARTELS was unit number 3212 assigned to Patrol Officer Charles Handerhan. Officer Handerhan's duties on the afternoon of May 30, 2020, were to observe and protect the peaceful marchers and protesters, as well as other persons and property in that area.

8. Following the destruction of the marked police vehicle, members of the crowd began to walk away in several directions. Some of them went down the street closer to the PPG Arena, where an unmarked police vehicle was parked. Crowd members then proceeded to damage that unmarked vehicle, and eventually set it on fire.

9. Other persons from the crowd walked down Centre Avenue and Fifth Avenue toward downtown Pittsburgh. While doing so, members of the crowd inflicted significant damage to several retail establishments and other businesses in the downtown Pittsburgh area. As a result of BARTELS' role as a catalyst for the protest/march turning violent, several businesses in this area have been adversely impacted. In particular, the 7-Eleven located at 1 Bigelow Square, which is normally open until 6:00 pm on Saturdays, had to close at approximately 3:00 pm because of the disturbances. According to the owner of that 7-Eleven store, shortly after he closed his store at 3:00 pm, at least two rioters attempted to gain access to the store by attempting to kick in the entrance door to the store. That store remained closed for the rest of the day. The owner confirmed to your affiant that his inventory of goods comes to the store through a supply chain that includes products from outside of Pennsylvania. Another business adversely affected by the incidents was the Marriott City Center Hotel located at 112 Washington Place, near the PPG Arena. Your affiant

spoke to the General Manager of the hotel regarding the impact of the incident on May 30, 2020. That hotel had been closed since approximately March 23, 2020 due to concerns related to the COVID virus, but was scheduled to re-open on June 15, 2020. The hotel had several reservations for guests between June 15, 2020 and July 1, 2020, but because of the incidents described above, the Marriott hotel has postponed the opening until July 1, 2020, and had to cancel its guests' reservations.

10. On May 31, 2020, law enforcement officers investigating this incident received numerous tips identifying BARTELS as the white male described above, as videos of his conduct described above were online. On June 1, 2020, your affiant interviewed BARTELS at the Pittsburgh Police Headquarters. During that interview, BARTELS admitted that he was the white male who had committed the acts described above. Several videos obtained during the investigation of this incident confirm the sequence of events described above, and BARTELS' physical appearance matches the physical appearance of the white male engaged in the acts described above.

11. BARTELS explained that, on Friday, May 29, 2020, he had planned to attend the march/protest scheduled for the following day. In preparation for his attendance and participation, BARTELS purchased several cans of spray paint and placed them in his backpack so that he could take them to the march/protest. He also placed several rocks in his backpack to take to the march/protest. BARTELS' explanation as to his motive for engaging in the destruction of the police vehicle was, in part, that he considers himself to be far "left", and that he had become fed up with incidents involving police mistreatment of citizens. He explained that he had previously hoped that he would be able to change things through voting, but nothing changed. BARTELS described the moment that he decided to spray paint and destroy the police vehicle as a "fuck it"

moment for him. He said that, as he was spray painting and hitting the police car, most of the crowd seemed to be encouraging him to keep going, and therefore he did so.

CONCLUSION

12. Based on the foregoing information, your affiant believes that there is probable cause to believe that BARTELS violated Sections 2 and 231(a)(3).

13. Therefore, your affiant respectfully requests the issuance of an arrest warrant for BARTELS for violations of Title 18, United States Code, Sections 2 and 231(a)(3).

Respectfully Submitted,

/s/ Matthew Dunleavy
Matthew Dunleavy, SA, FBI

Sworn and subscribed before me, by telephone
pursuant to Fed. R. Crim. P. 4.1(b)(2)(A),
this 5th day of June, 2020



MAUREEN P. KELLY
UNITED STATES MAGISTRATE JUDGE



EXHIBIT 1

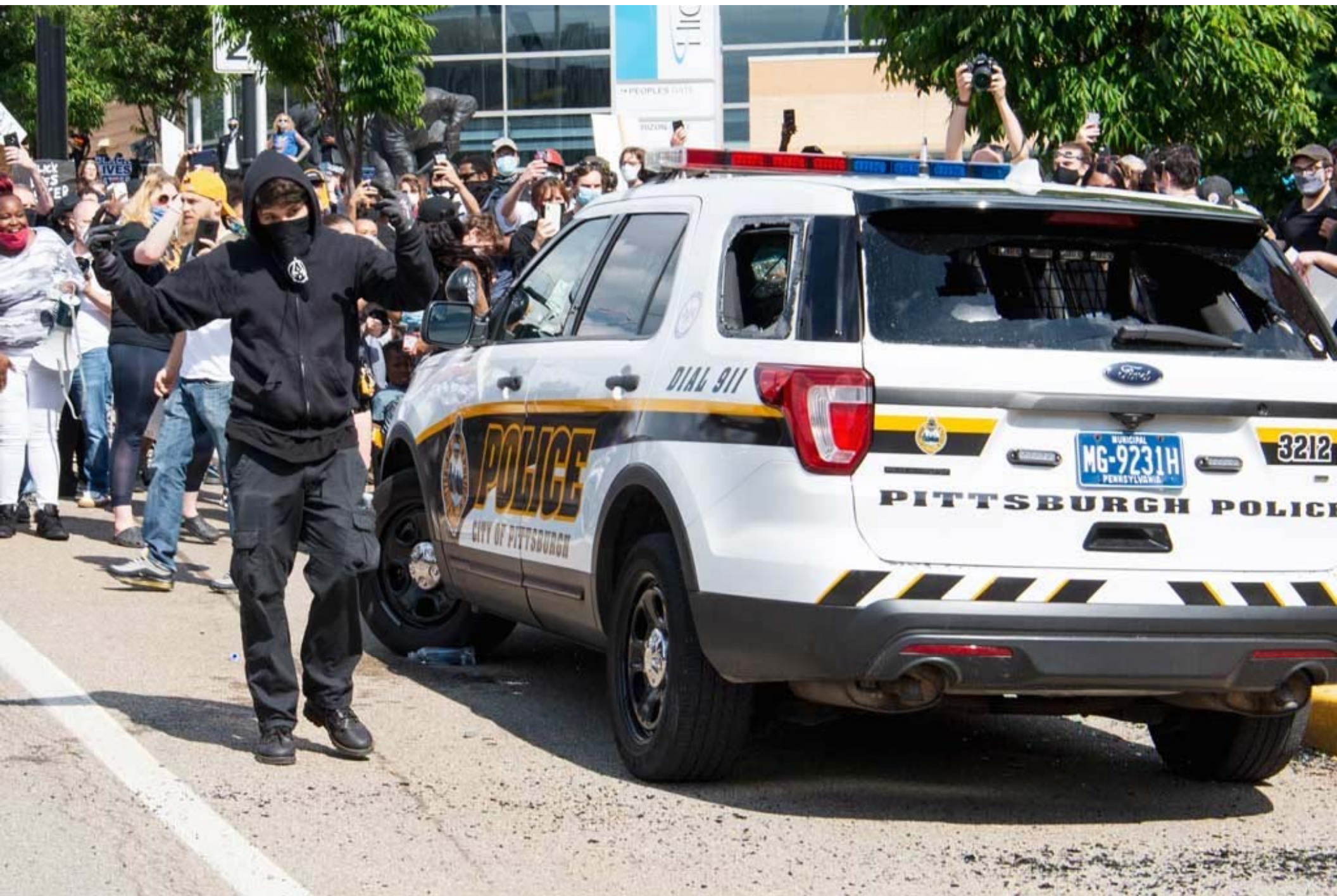


EXHIBIT 2



EXHIBIT 3



EXHIBIT 4

EXHIBIT 5





EXHIBIT 6



EXHIBIT 7



EXHIBIT 8



EXHIBIT 9



EXHIBIT 10